

Applicant or Patentee: Padma S. Bagaria

Serial or Patent No:

Filed or Issued:

For: TEST DEVICE FOR DETECTING HUMAN BLOOD AND METHOD OF USE



VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY
STATUS (37 CFR 1.9(f) and 1.27)

As a below named inventor, I hereby declare that I qualify as an independent inventor as defined in 37 CFR 1.9(c) for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, to the Patent and Trademark Office with regard to the invention entitled TEST DEVICE FOR DETECTING HUMAN BLOOD AND METHOD OF USE as described in

the specification filed herewith
 application serial no. ___, filed ___.
 patent no. ___, issued ___.

I have not assigned, granted, conveyed or licensed and am under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who could not be classified as an independent inventor under 37 CFR 1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

no such person, concern, or organization
 persons, concerns or organizations listed below*

*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

FULL NAME

ADDRESS

INDIVIDUAL

SMALL BUSINESS CONCERN

NONPROFIT ORGANIZATION

FULL NAME

ADDRESS

INDIVIDUAL

SMALL BUSINESS CONCERN

NONPROFIT ORGANIZATION

FULL NAME

ADDRESS

INDIVIDUAL

SMALL BUSINESS CONCERN

NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Padma S. Bagaria
NAME OF INVENTOR

Padma S. Bagaria
Signature of Inventor
Date
2002/01/01



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Patent
Application of

PADMA S. BAGARIA

Serial No. 09/910,126

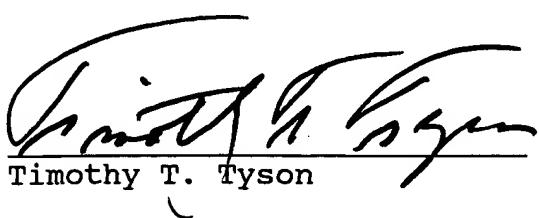
Filed: 07/23/01

For: TEST DEVICE FOR
DETECTING HUMAN BLOOD
AND METHOD OF USE

Examiner:

Art Unit: 1645

I hereby certify that this
correspondence is being
deposited with the United
States Postal Service as first
class mail in an envelope
addressed to: Assistant
Commissioner for Patents,
Washington, DC 20231
on October 18, 2001



Timothy T. Tyson

LETTER
IN RESPONSE TO
NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

Customer Service Center
Initial Patent Examination Division
Assistant Commissioner for Patents
Washington, DC 20231

Dear Sir:

This Letter is in response to a Notice to File Missing Parts of Nonprovisional Application mailed September 5, 2001, in the above identified application.

DECLARATION

I, Timothy T. Tyson, am aware that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon, declare:

1. I filed the filing fee and a Small Entity Statement with the application.

2. I had my client prepare a check for the filing fee. It was check number 400375 from Abacus Diagnostics, Inc. payable to the Assistant Commissioner for Patents in the amount of \$355, a copy of which is attached hereto.

3. I prepared a return postcard, a copy of which is attached hereto.

4. I prepared a cover sheet and placed it on top of the pages of the application.

5. I had my client sign a Small Entity Statement, a copy of which is attached hereto.

6. I placed the Small Entity Statement as the last page of the application.

7. I stapled the pages of the application together.

8. I attached the check to the top of the application with a paper clip.

9. I placed the postcard under the paper clip and on top of the check.

10. I mailed the application with the cover sheet, Small Entity Statement, check, and postcard to the PTO.

11. I have not received the postcard back from the PTO.

12. My client tells me her check has not been cashed.

13. That all statements made herein of my own knowledge are true and that all statement made on information and belief are believed to be true.

October 18, 2001

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Timothy F. Flynn

My only conclusion is that the PTO lost the check and postcard. I cannot tell from the Notice if the Small Entity Statement is missing or not. The first point of the Notice appears to be a garble combination of two points:

"Applicant must submit \$355 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27)."

Now you want to penalize us for **YOUR** mistake. My client has to pay an extra \$65 because of 37 CFR §1.16(e) and I have to pay \$15 because you changed the filing fee from \$355 to \$370 on October 1, 2001. Not bad for the PTO. Make a mistake. Collect an extra \$80. This is a bonus of 23% over the original filing fee.

In addition to the items identified above, attached to this letter with a STAPLE are:

1. Abacus Diagnostics, Inc. check number 400324 payable to the Assistant Commissioner for Patents in the amount of \$420 for the original filing fee and the 37 CFR §1.16(e) surcharge for late payment of the filing fee;

2. My personal check number 1731 payable to the Assistant Commissioner for Patents in the amount of \$15 for the increase in the filing fee which occurred on October 1, 2001; and,

3. A copy of the Notice.

In addition, a return postcard is attached with a paper clip.

Respectfully submitted,


Timothy T. Tyson, Reg. No. 28,915